

Message Text

CONFIDENTIAL

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21

ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTE-00 INR-07 NSAE-00 FAA-00 L-02 SS-15 NSC-05 PA-01

PRS-01 USIA-06 /053 W

----- 065440

R 262130Z FEB 75

FM AMEMBASSY LIMA

TO SECSTATE WASHDC 4083

INFO AMEMBASSY BUENOS AIRES

AMEMBASSY LA PAZ

AMEMBASSY QUITO

C O N F I D E N T I A L LIMA 1621

EO 11652: GDS

TAGS: EAIR, PE

SUBJECT: CIVAIR: DISPUTE WITH PERU

REF: LIMA 1492 AND 1531

1. IN THEIR PUBLIC STATEMENTS AND THEIR REMARKS TO US, GOP AND AEROPERU OFFICIALS HAVE MADE POINTS, INTER ALIA, THAT (1) U.S. LAW DOES NOT PREVENT POOLING ARRANGEMENT AND (2) CAB SHOW CAUSE ORDER CAN BE SUCCESSFULLY CONTESTED BY AEROPERU. AS LONG AS THESE VIEWS REMAIN UNSHAKEN, PERUVIANS WILL FEEL LESS PRESSURE TO BARGAIN SERIOUSLY. ALSO, THE LONGER SENIOR OFFICIALS BELIEVE THAT AEROPERU CAN WIN ITS CASE, THE GREATER THE SHOCK AND REACTION WHEN AND IF AEROPERU'S PERMIT IS ACTUALLY SUSPENDED.

2. IT WOULD HELP US IN OUR CONVERSATIONS HERE TO KNOW ANSWERS TO FOLLOWING QUESTIONS: (1) WHAT SPECIFIC PROVISIONS OF U.S. LAW OR PROCEDURE WOULD POOLING ARRANGMENT VIOLATE? (2) HOW MUCH CHANCE DOES AEROPERU HAVE OF SUCCESSFULLY DEFENDING ITSELF AGAINST SUSPENSION OF PERMIT? (3) CAN AEROPERU LINE UP ANY DOMESTIC

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SUPPORT FROM GROUPS OR INDIVIDUALS IN U.S. WHICH MIGHT

RUSULT IN COMPLICATING AND PROTRACTING THE PROCEEDINGS (4)
IF AND WHEN CAB DECIDES TO SUSPEND PERMIT AND SENDS CASE TO
PRESIDENT FOR APPROVAL, IS THERE AN APPEALS PROCESS IN U.S.
COURTS TO WHICH AEROPERU CAN RESORT? (5) IS THERE AN
APPEALS PROCESS AFTER PRESIDENTIAL APPROVAL? (6) IF
SO, COULD AEROPERU KEEP FLYING PENDING OUTCOME OF APPEAL?
DEAN

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NNN

Message Attributes

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